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EXAMINER

TRAN, NGHI V

ART UNIT PAPER NUMBER

2151

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,072

Applicant(s)

PETERSON ET AL.

Examiner

Nghi V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 1-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

RD

DETAILED ACTION

Claim Objections

1. Claims 1-15 are objected to because of the following informalities:
2. With respect to claim 1, double quote appears to be un-necessary, unless it carries out an addition meaning. Please delete double quotes in lines 1 and 2 of the claim.
3. With respect to claims 11 and 12, the phrase, "mentioned above (10.)," appears to be incorrect. The Examiner suggests to replace as following: --A system of claim 10 that allows user to deliver ... on the localized specifications.--.
4. Abbreviations, symbols acronyms, functional designations, letter combinations code names, initializes, nicknames mnemonic devices, project names, alphabetical contractions and general slang must be positively defined and identified in the claim.
5. Taking claim 1 as an exemplary claim, the phrase, "software/hardware/computers/network system development" appears to be unclear because "/" means "or", "and" or both. For the purpose of examination, the Examiner reverse the right to interpret the "/" as "or".

The "/" limitation occurs many times in this application. For purpose of examination, the examiner only explains one specific claim interpretation as discussed above. All other "/" limitation will have the similar claim interpretations.

6. Taking claim 1 as an exemplary claim, the phrase "... multiple platforms (interactive TV, Internet, wireless mobile, PDA, telematics, etc.) and devices based ..." (emphasis added) appears to be incorrect because "(interactive TV, Internet, wireless, mobile, PDA, telematics, etc.)" is not an abbreviation of "multiple platforms". Interactive TV, Internet, wireless, mobile, PDA, telematics, etc. are a list of a multiple platforms. Therefore, "interactive TV, Internet, wireless, mobile, PDA, telematics, etc." is an example of the "multiple platforms".

For purpose of examination, the examiner only explains one specific claim interpretation as discussed above. All other similar limitation will have the similar claim interpretations.

7. Taking claim 1 as an exemplary claim, a comma at the end of the claim appears to be incorrect. The Examiner suggests to replace "," with --.--.

The comma of the end of the claim occurs many times in this application. For purpose of examination, the examiner only explains one specific claim interpretation as discussed above. All other similar limitation will have the similar claim interpretations.

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8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-15 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

10. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

11. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Taking claim 1 as an exemplary claim, the phrase "etc." renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The "etc." limitation occurs many times in this application. For purpose of examination, the examiner only explains one specific claim rejection as discussed above. All other "etc." limitation will have the similar claim rejections.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-8, 10-13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Zigmond et al., U.S. Patent No. 6,785,902 (hereinafter Zigmond).

15. With respect to claim 1, Zigmond teaches a "System for Providing Localized Content Information Via Wireless Personal Communication Devices" [see abstract] comprising: A "technology infrastructure" software/hardware/computers/network system deployment that is comprised of one or more computers/servers (hardware), one or more operating systems (software), one or more applications/servers (software), and proprietary software components that allow for deployment of scalable localized and content targeted channels/portals/information systems to multiple platforms (interactive TV, Internet, wireless, mobile, PDA, telematics, etc.) and devices based on user request specifications [col.7, Ins.31-58 and fig.7].

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16. With respect to claim 2, Zigmond teaches a system that aggregates the aggregators of content (heterogeneous databases) from innumerable sources [col.1, ln.14 - col.2, ln.38].

17. With respect to claim 3, Zigmond teaches a system that stores and manages innumerable heterogeneous databases on network computer/s (servers) and makes them ready and available for data manipulation and enhancement [col.1, ln.14 - col.2, ln.67].

18. With respect to claim 4, Zigmond teaches a system that universalizes data (makes it heterogeneous--uses universally recognized/accepted/adopted formats/standards, i.e. XML) making it readily available for integration with other data as well as delivery to users in a universally defined and acceptable standard/format [col.1, ln.14 - col.2, ln.67].

19. With respect to claim 5, Zigmond teaches a system that enhances and localizes data by method of appending geographic coding to each record thus allowing the geographic definition of data by nationally and internationally well established standards such as longitude/latitude, community, zip code, postal code, city, province, county, MSA--Metropolitan Statistical Area, state, region, nation, country, world, or etc. [col.7, lns.31-58 and fig.7].

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20. With respect to claim 6, a system that integrates and synthesizes data/media/information based on user specifications/inquiry/request/search thus creating content that is enhanced in breadth and depth (creating super content by combining complimentary content) [col.4, ln.10 - col.7, ln.58].

21. With respect to claim 7, Zigmond teaches a system that exposes the data via web services and independent applications to multiple platforms (interactive TV, Internet, wireless, mobile, PDA, telematics, etc.) and devices based on user specifications, instructions and design [col.7, lns.31-58 and fig.7 and figs.2-3 and 7].

22. With respect to claim 8, Zigmond teaches a system that generates style sheets [i.e. HTML or XML] to user device based on user instructions [col.1, ln.14 - col.2, ln.67].

23. With respect to claim 10, Zigmond teaches a system that allows users to deploy innumerable local channels/portals/information systems based on user's geographic, content, platform, device, stylesheet, and design specifications [fig.7 and col.7, lns.31-58].

24. With respect to claim 11, Zigmond teaches a system that allows users to deliver targeted advertising based on the localized specifications mentioned above (10.) [col.7, lns.31-58].

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25. With respect to claim 12, Zigmond teaches a system that allows users to deliver transactional services based on the localized specifications mentioned above (10.) [col.7, lns.31-58].

26. With respect to claim 13, Zigmond teaches a system that allows for personalization of browsers and customization of interface/device [figs.2-4].

27. With respect to claim 15, Zigmond teaches a system that allows for cross platform (interactive TV, wireless, mobile, PDA, Internet, telematics, or etc.) communication [col.1, ln.14 - col.2, ln.67].

28. Claims 9 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al., U.S. Patent No. 6,240,555 (hereinafter Shoff).

29. With respect to claim 9, Shoff teaches a system that adds transactional components and applications, and agents for online commerce [fig.8].

30. With respect to claim 14, Zigmond teaches a system that combines and integrates with other utilities and applications (chat, email, productivity tools, personal utility applications, etc.) to deliver a comprehensive localized information systems solution [fig.8].

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "System and method for measuring wireless device and network usage and performance metrics," by Hendrickson et al., U.S. Patent No. 6,745,011.

b. "Optimizing bandwidth consumption for document distribution over a multicast enabled wide area network," by MARKS et al., U.S. Patent Application Publication No. 2002/0004808.

c. "Receiving an information resource from the Internet if it is not received from a broadcast channel," by Zigmond et al., U.S. Patent No. 6,571,392.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

NT


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER